IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 395 of 1986
in
SPECIAL CIVIL APPLICATION No 3465 of 1982

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DR.K.L.KOTHARY

Versus

STATE OF GUJARAT

Appearance:

1. LETTERS PATENT APPEAL No. 395 of 1986
NOTICE SERVED for Appellant No.
NOTICE UNSERVED for Appellant No.
..... for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 16/09/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. Present appellants had filed Special Civil Application No.3465/82 challenging certain provisions of the resolution dated 7.8.1982 (Annexure-D to the petition) passed by the Education Department of the State of Gujarat. As per the said resolution, the Government constituted Gujarat State Lalitkala Academy (for short "the Academy"). As per clause 3 of the resolution, the Academy is to function as an Advisory Committee. It has been specifically mentioned in the Resolution that regarding the recommendation made or decision taken by any of the Committee of the Academy, the final decision shall rest with the Government. In respect of the constitution of such an Academy which is purely an advisory body, the grievance is made by the petitioners. The grievance was made by the petitioner before this court by way of Special Civil Application No.3465/82. The main grievance in the petition was that photographers were treated with hostile discrimination. One of the petitioners had filed Special Civil Application No.2184/81 before this court praying that the meeting of the Standing committee of the academicians be called and election of members of the Academy be immediately declared. However, it was contended by the Government that the adhoc Committee for revising the constitution was constituted as early as 10.7.1981 and in that connection the petitioner had moved the Hon'ble Court which had given certain directives in its order on 27.8.1981.

#. Learned Single Judge of this court (Coram : A.P.Ravani, J. [as he then was]) dismissed the special Civil Application No.3465/82 by judgment and order dated 29.2.1984 by recording the statement of the learned Advocate General to the effect that new constitution of the Gujarat Lalitkala Academy would be promulgated and the Academy would be constituted under such constitution on or before 31.8.1982 and the Government would not approach the court praying for any extension of time in this regard.

#. Being aggrieved by the aforesaid judgment and order dated 29.2.1984 passed by the learned Single Judge of this court dismissing Special Civil Application No.3465/82, the appellants-original petitioners have filed this appeal on 17.11.1984. However, regular number

to this appeal was given only in 1986 after the office objections were removed.

#. From the order sheet of this appeal it seems that for the first time this appeal was placed for admission before this court (Coram : R.C.Mankad, the Acting Chief Justice [as he then was] & N.B.Patel, J.) on 22.1.1990. However, office was directed to issue notice to the appellants to make alternative arrangement as their learned counsel Shri N.J.Mehta, who filed this appeal, expired during the pendency of this appeal. Accordingly, notice was issued to the present appellants and they are duly served except appellant No.2, who is stated to have migrated to USA.

#. Today, this appeal is placed before us for the second time after it was filed in 1984. Though duly served, out of three appellants, the appellant Nos.3 to 4 are not at all interested in prosecuting this appeal further. Perhaps because of the statement made by learned Advocate General before the learned Single Judge of this court on 29.2.1984 in the main Special Civil Application No.3465/82 that the Academy to be constituted on or before 31.8.1982.

Under the circumstances, we do not see any reason to entertain this appeal and accordingly it is dismissed.

(B.J.Shethna, J.)

(Ravi R. Tripathi, J.)

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